

**City of Reading City Council**  
**Regular Business Meeting**  
**Monday, June 27, 2011**

Jeffrey Waltman Sr., Vice President of Council, called the meeting to order.

The invocation was given by Calvin Kurtz from the Reading Berks Conference of Churches.

All present pledged to the flag.

**ATTENDANCE**

Councilor Acosta, District 1

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Mayor T. McMahon

Managing Director C. Geffken

Sergeant at Arms Captain R. Shafer

**PROCLAMATIONS AND PRESENTATIONS**

City Council issued the following:

- Recognition of Reading Musical Foundation Scholarship winners
- Commendation recognizing Historic Preservation month, accepted by Historic Preservation Specialist Amy Johnson and Historical Architectural Review Board Chair Aaron Booth

The Historical Architectural Review Board issued the following recognitions to property owners within historic districts:

- 410 Douglass St. – Painting of exterior surfaces (Centre Park)
- 812 N. 3<sup>rd</sup> St. – Painting of exterior surfaces and restoration of the front porch (Centre Park)
- 348 N. 5<sup>th</sup> St. - The PAL Mural on the northern façade (Callowhill)
- 715 N. 5<sup>th</sup> St. – Front porch restoration and painting of exterior surfaces (Centre Park)

## **PUBLIC COMMENT**

Council Vice President Waltman announced that three (3) citizens were registered to address Council on non-agenda matters. He inquired if any member of Council objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule requiring non-agenda comment at the end of the meeting was suspended. Council Vice President Waltman reminded those registered to speak of the remaining public speaking rules.

**Juan Zabala, of North Front Street**, stated that he is representing the Hip-Hop Summit and noted the need for the City to support initiatives like the Hip-Hop Summit, along with Blacktop Basketball as they support businesses in addition to providing support for City Youth. He also suggested loosening the event permitting restrictions.

**Brad Waples, of Penn Street**, stated he is also representing the Hip-Hop Summit which has grown to support and correct social ills and problems. He stated that the group does a thirty (30) minute cleanup both before and after the events and participants are encouraged to register to vote. He stated that this is the fourth Hip-Hop Summit held in City Park. He stated that although the group focuses on 18-25 year olds, the event is open to all City residents. He suggested that for more information, Council visit [www.rdghiphop.com](http://www.rdghiphop.com) or call Mi Casa Su Casa for additional information.

**Carlos Zayas, of South 11th Street**, objected to the three (3) minute limitation as he stated that he will speak on the agenda item regarding Police Promotions.

Vice President of Council Waltman stated that as no member of Council objected Mr. Zayas may speak for five (5) minutes.

Mr. Zayas noted the lack of minority representation in the promotion of Police Officers, which he believes does a disservice to the expansion of diversity within the Police Department. He also questioned provisions in the Special Event Ordinance and suggested tabling the resolution regarding the Elm View Apartments. He also distributed a handout requesting an amendment to the April 25<sup>th</sup> Regular Meeting of Council regarding the comments he made at that meeting. He provided a transcript of his comments at the April 25<sup>th</sup> meeting (attached).

## **APPROVAL OF THE AGENDA & MINUTES**

Council Vice President Waltman called Council's attention to the minutes for the June 13<sup>th</sup> regular meeting of Council and the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He noted the need for the following additions:

- Add to the Consent Agenda a Resolution authorizing BEDI grant in the amount of \$650K for the rehabilitation of the Trexler Mansion

- Add an Award of Contract to the Consent Agenda Heading awarding the Street Lighting Contract to Hirneisen
- Add two (2) Resolutions making to appointments to the Stadium Commission to the Resolution Section

## **Consent Agenda Legislation**

**Resolution 92-2011** - authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment to add the Ricktown neighborhood component to the Neighborhood Housing Services of Greater Berks, Inc. Major System owner occupied residential rehabilitation activity. NHS will spend part (up to 50%) of the CDBG funding in the Ricktown neighborhood and make the program available to persons of any age in the Ricktown neighborhood **(Community Development)**

**Councilor Reed moved, seconded by Councilor Sterner, to table Resolution 92-2011.**

**Resolution 92-2011 was tabled by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman– 5.**

**Nays: None- 0.**

**Councilor Acosta moved, seconded by Councilor Reed, to approve the minutes from the June 13<sup>th</sup> Regular meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.**

**Resolution 93-2011** – disposition of records of the Fire Department as attached **(Fire)**

**Resolution 94–2011** - disposition of records of the Police Department as attached **(Police)**

**Resolution 95–2011** disposition of records of the Solid Waste Office as attached **(Solid Waste)**

**Resolution 96-2011** – disposition of records of the Purchasing Office as attached **(Purchasing)**

**Resolution 97–2011** promoting Bruce T. Monteiro to the rank of Lieutenant **(Police)**

**Resolution 98–2011** promoting David D. Hogan to the rank of Lieutenant **(Police)**

**Resolution 99–2011** – authorizing the application of a \$625 BEDI grant for the

rehabilitation of the Trexler Mansion.

**Award of Contract** – for copiers to William A. Fraser, Inc., d/b/a Fraser Advanced Information Systems, 320 Penn Avenue, West Reading, PA 19611, for a total of a three year cost of \$145,741.44 (**Purchasing**)

**Award of Contract** – for the 42 inch force main project at the Waste Water Treatment Plant (**Purchasing**)

**Award of Contract** – for street lighting to Hirneisen

Vice President of Council Waltman thanked Maintenance Supervisor James Bortz for initiating the disposition of a multitude of City Records.

## **ADMINISTRATIVE REPORT**

Managing Director Geffken read the report distributed to Council at the meeting covering the following:

- The Administration's work with Olivet's to provide summer recreation programming and advertising alternative recreation programming through BCTV
- Start of the Bandshell Concert Series
- Open House at the Greenhouse on Friday, July 8<sup>th</sup> by PermaCultivate

Ralph Johnson, Superintendent of the Waste Water Treatment Plant, distributed a handout on Waste Water Treatment Plant coverage, physical facilities, and team member's functions. He stated that the Waste Water Treatment Plant currently provides sewer service to Alsace, Bern, Cumru, Muhlenberg, Robeson, and Spring Townships, along with Kenhorst, Laureldale, Mohnton, Mount Penn, Shillington, and Wyomissing boroughs. As he described the facilities, he noted that many of the pump stations begin the treatment process. He also covered the Waste Water Treatment Plant team members and their functions, noting the dramatic number of violations speak to the success of the team.

Councilor Acosta noted that in 2003 the Waste Water Treatment Plant had 168 violations and only one (1) violation in 2010. He stated that that improvement speaks to the leadership and accountability of the Waste Water Treatment Plant team.

Councilor Reed noted her appreciation for the work the Waste Water Treatment Plant team has done to correct the various issues of the past. She stated that their work should make City officials and residents confident in their abilities.

Councilor Waltman expressed the belief that the report provided shows that past problems may represent a fault with the past plant operations. He suggested that Mr. Johnson

comment further on this issues at an upcoming meeting.

Mr. Johnson invited Councilors to take a tour of the entire system, which would take about 2-4 hours.

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2011 Admissions tax collection
- 2011 Real Estate Tranfer tax collection
- Noting that the external audit will not be completed by the end of June
- Release of the 2011 CD check audit

Vice President of Council Waltman inquired if the Auditor is now satisfied with the Community Development check issue; past and present. City Auditor Cituk stated that he intends to follow up by reviewing postings into the City's system.

## **REPORT FROM STADIUM COMMISSION**

Steve Harrity, President, and Greg Geiger, Secretary, distributed a handout showing the accomplishments of the Stadium Commission over the past year, such as:

- Commissioners participation in baseball charities and the Labor Day parade
- Commissioners attendance to represent the Stadium at various community events
- The resignation of Dr. Tom Chapman
- FirstEnergy Stadium will host the 2012 Eastern League All-Star game
- Submitting the resignation letter from Steve Harrity, President, due to his recent employment with the City. The resignation letter was accepted by the City Clerk.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 27-2011** – vacating the unopened portions of Eastman Road and Durham Street (Law/Public Works) *Introduced at the May 23 regular meeting*

**Councilor Reed moved, seconded by Councilor Acosta, to enact Bill No. 27-2011.**

Councilor Reed noted that the disposition and location of the streets and parcels in this vicinity will not prohibit access to surrounding property owners. She stated that affected property owners, Carpenter and Muhlenberg Township have approved the vacation.

**Bill No. 27-2011 was enacted by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman– 5**

**Nays: None - 0**

**Bill No. 28-2011** - amending the 2011 City of Reading Full Time Position Ordinance by increasing the number of Lieutenants within the Police Department from 8 to 10  
**(Police/Council Staff) Introduced at the June 13 regular meeting**

**Councilor Marmarou moved, seconded by Councilor Acosta, to enact Bill No. 28-2011.**

Managing Director Geffken stated that this is an interim new measure to handle new issues with the upcoming retirements from the Police department and a temporary solution to the issues created by the DROP program.

**Bill No. 28-2011 was enacted by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman– 5**

**Nays: None - 0**

**Bill No. 29-2011** – setting the salaries for the Mayor and Auditor at their 2011 rate until the City is released from Act 47 by the DCED **(Reed) Introduced at the June 13 regular meeting**

**Councilor Reed moved, seconded by Councilor Acosta, to enact Bill No. 29-2011.**

Councilor Reed stated that she suggested the redrafting of this ordinance to provide balance with the salary reductions and other financial impacts that were placed on management and union employees. She expressed the belief that if management and union employees are expected to take cutbacks, the highest paid elected officials should also participate. Councilor Reed also noted that City Councilors salaries have not been adjusted since the Home Rule form of government began in 1996.

Councilor Acosta agreed, adding that the ordinance speaks to the need for accountability for incoming elected officials. She noted that individuals have the misunderstanding that the salary increases provided to the Mayor and City Auditor in 2008, 2009, 2010, and 2011 will continue in the coming years. He stated that this ordinance will correct that misunderstanding. He also expressed the belief that the absent members of Council also support this ordinance.

Mayor McMahon offered a dissenting opinion as tying the salaries of the Mayor and Auditor to the exit from Act 47 could hold the salaries back for many years. He expressed the belief that the Mayor and the Auditor are not responsible for getting the City out of Act 47.

Councilor Sterner expressed the belief that City Council can readdress salary of the Mayor and Auditor if the City's financial issues improve. He noted the sacrifices made by management and IAFF employees to date. He suggested that the same sacrifice should apply to the Mayor and Auditor.

Mayor McMahon expressed the belief that the salary should not be tied to the City's release from Act 47.

City Auditor Cituk stated that he supports the concept but agrees with the Mayor's sentiments regarding tying the salaries to the release from Act 47. He stated that he commends City Council for never increasing their own salaries, although their hours are nearly full-time.

Councilor Acosta expressed the belief that enacting the ordinance is positive as it reaffirms that no further salary increases will be given to the Mayor or Auditor during the next four (4) years.

Vice President of Council Waltman noted that in 1996 the Mayor's salary was set at \$55K and the Auditor's salary was set at \$40K. He stated that the original goal was to bring these two (2) salaries up to par with other Mayor's and City Auditor. He noted although that people should not run for this position due to the salary but due to their desire to serve the public.

**Bill No. 29-2011 was enacted by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman– 5**

**Nays: None – 0**

**Bill No. 30-2011** – amending the Special Events Permit ordinance **(Law)** *Introduced at the June 13 regular meeting*

**Councilor Sterner moved, seconded by Councilor Reed, to enact Bill No. 30-2011.**

Vice President of Council Waltman noted that this is a housekeeping measure to clean up some of the language within the ordinance.

Councilor Sterner noted that the ordinance also places some structure around various events.

Vice President of Council Waltman added that the original events process was too vague. He stated that the initial goal was to make events open to everyone with balance.

**Bill No. 30-2011 was enacted by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman– 5**

**Nays: None – 0**

**Bill No. 31-2011** - establishing a four-way stop intersection at N. 13<sup>th</sup> St and Richmond St in the City of Reading, Pennsylvania **(Public Works)** *Introduced at the Jan 10 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Acosta, to enact Bill No. 31-2011.**

Councilor Marmarou stated that the stop sign at this intersection was originally installed without Council's approval. He noted the need for City Council to approve all installations of traffic control devices. He stated that a number of years ago, Albright installed a number of improper crosswalks on Bern St. and College Avenue. He stated that by working with the Police Chief and Public Works Director, Albright has agreed to remove the additional crosswalks.

**Bill No. 31-2011 was enacted by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman– 5**

**Nays: None – 0**

## **INTRODUCTION OF NEW ORDINANCES**

Vice President of Council Waltman read the following ordinances into the record:

**A. Ordinance** - authorizing the Mayor to execute the lease between the City of Reading and the County of Berks for premises within parcel number 23531702762194 (approx. 6,000-10,000 +/-sq. ft.) situate in Lower Alsace Township, County of Berks, Pennsylvania for the development, erection and operation of a public safety radio system **(Law)**

**B. Ordinance** - amending the Codified Ordinances of the City of Reading, Chapter 1 Administration and Government, Part 5 Boards, Departments, Commissions, Committees and Councils, Part C Human Relations Commission **(Law/Human Relations Commission)**



**C. Ordinance** - amending the 2011 City of Reading Full Time Position Ordinance by creating one (1) Project Accountant/Financial Specialist, adding one (1) Wastewater Treatment Plant Utilities Engineer, creating two (2) Industrial Mechanics, creating two (2) Maintenance Worker III-Electrical/Mechanical Positions, and eliminating four (4) Maintenance Worker III positions **(Man Dir)**

## **RESOLUTIONS**

**Resolution 70-2011** - authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment to move \$450,000 in CDBG unprogrammed funds to the 2011 Microenterprise Development Activity **(Community Development)** *Tabled at the May 9, May 23, and June 13 regular meetings*

**Councilor Acosta moved, seconded by Councilor Sterner, to table Resolution No. 70-2011.**

**Resolution No. 70-2011 was tabled by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman – 5**

**Nays: None – 0**

**Resolution 84-2011** - that the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination **(Law/Community Development)** *Tabled at the May 23 regular meeting*

**Councilor Acosta moved, seconded by Councilor Reed, to table Resolution No. 84-2011.**

**Resolution No. 84-2011 was tabled by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman – 5**

**Nays: None – 0**

**Resolution 100–2011** appointing Raquel Ruiz-Denbowski to the Stadium Commission **(Admin Oversight)**

**Resolution 101–2011** appointing Troy Strickler to the Stadium Commission **(Admin Oversight)**

**Councilor Marmarou moved, seconded by Councilor Acosta, to adopt Resolutions No. 100-2011 through 101-2011.**

Councilor Marmarou noted the great background of both individuals being appointed. He stated that Ms. Denbowski will only be the second woman to serve on the Stadium Commission. He noted the need for diversity to also include gender.

**Resolutions 100-2011 and 101-2011 were adopted by the following vote:**

**Yeas: Acosta, Marmarou, Reed, Sterner, Waltman – 5**

**Nays: None – 0**

## **COUNCIL COMMENT**

Councilor Marmarou addressed the comments made by Mr. Zayas and agreed with the need for both residency and diversity when the City hires employees. He noted that Police promotions are governed by Civil Service regulations.

Councilor Sterner congratulated those receiving commendations and recognitions certificates this evening. He also congratulated those who received commendations from the Historical Architectural Review Board and he thanked those who commented at this evenings meeting.

Councilor Sterner encouraged everyone to attend the Hillside Bingo event every Monday at 6:30 pm.

Councilor Reed announced the public meeting on June 28<sup>th</sup> at Northwest Middle School regarding the River Road Extension Project. She stated the meeting will be held 5pm–7pm. She apologized for the late notice noting that she just learned of the meeting in the Committee of the Whole Session.

Vice President of Council Waltman commended Centre Park on their Garden Tour which occurred over the past weekend. He also noted the passage of Centre Park resident Bill Martin.

Vice President of Councilor Waltman reviewed the upcoming meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Acosta, to adjourn the regular meeting of Council.**

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*

Public comment made by Carlos A. Zayas, resident of the city of Reading PA, during the public comment session at the City Council meeting on April 25, 2011. Transcribed by the citizen Zayas from the record: audiovisual recording by Berks Community Television and the other recording made by the City and available at the website of the City of Reading.

“Good evening:

As everybody knows we are in an election cycle. This remind us that we need to comply with the provisions of the Voting Rights Act and constitutional provisions in regard equal treatment under the law, that means, one ma, one vote;; that means that’s time for redistricting.

As you know in the past cycle of the census, you know what happened with you: you was behind one year, and was not until I took you to court on the mandamus that you made the redistricting. I expect that doesn’t be the case in this year, but there is positions, about three different districts that are under ...you know in the ballot, and that means that in November is the general election because is the right thing to do. As you know, you know the demographics, you know the Census data, we are a minority majority in this town. That means that we have protection of Section 2 of the Voting Rights Act and with that there is certain provisions about protection against voter dilution.

If you agreed with my plan that was the best one, agreed by your solicitor at that time, agreed by the Reading Eagle in an editorial in the previous cycle close to ten years ago, if that was the case, you approve the plan, I’m very sure that you have three individuals minority members in these districts. But see the composition, you don’t see the composition...this Council don’t reflect the demographics of this City. Why? Because gerrymandering, because despite that you know that the plan that I presented to you was the best most equal one and was the one according with the Pennsylvania Supreme Court that said “the overriding interest is equality of population”; and you continue playing your games and we are not represented adequately in this City Council.

I suggest that you in the next workshop in May, you make an invitation to the public to participate and have a public hearing. I made my homework already. I have my plan. I’m not going to make the same thing as previous ten years ago, to submit (the plan) to you and you continue playing with the Planning Commission, with people that have conflict of interest, to design their own plan according with their interest. I will wait to that public hearing. At that time, I will go, I will participate, I will have an honest discussion with you; as I said: I have my statistics, I have my plan already, and is the hest one, the closest to equality. I play with them in terms of statistical data but you should do the redistricting, because the districs... they are not written in stone. The Home Rule Charter was ..created them, but they will need to be revised every ten years according with the census data, and I will appreciate that you comply with your duty. Thank you”.